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CITY OF BALDWIN PARK

UNITED STATES DISTRICT COURT

CENTRAL DISTRICT OF CALIFORNIA - WESTERN DIVISION

BALDWIN PARK FREE SPEECH
COALITION, an unincorporated
association; ROBERT EHLERS, an
individual,

Plaintiffs,

v.

CITY OF BALDWIN PARK,

Defendant.

CASE NO.: 2:19-cv-09864 CAS-E

Assigned to Honorable Christina A. Snyder

**DEFENDANT'S NOTICE OF MOTION
AND PARTIAL MOTION TO DISMISS
PURSUANT TO FRCP 12(b)(1)**

Date: July 27, 2020

Time: 10:00 a.m.

Ctrm: 8D

NOTICE IS HEREBY GIVEN THAT:

On July 27, 2020 at 10:00 a.m., or as soon thereafter as the motion may be heard in Courtroom 8D of the United States District Court First Street Courthouse in Los Angeles, California, the Honorable Christine Snyder, district judge presiding, Defendant City of Baldwin Park (the "City" or "Defendant") will move the court for an order dismissing Plaintiff Robert Ehlers' fourth claim for relief, and Plaintiffs Baldwin Park Free Speech Coalition and Robert Ehlers' second and third claims for relief (to the extent they assert as-applied challenges under the Eighth and Fourteenth Amendments) pursuant to FRCP 12(b)(1).

The basis for the motion is that Plaintiffs do not have standing to assert some

1 of their claims, and therefore this Court lacks jurisdiction to adjudicate the same.

2 The motion is based on the Notice of Motion and Motion, the concurrently
3 filed Memorandum of Points and Authorities, the Declaration of Jose Martinez, as
4 well as the exhibits attached to the declarations.

5 The motion is also based on any subsequent pleadings, declarations and
6 exhibits submitted in Reply to the Opposition to the motion, if any, and as may be
7 presented at oral argument in this matter.

8 This motion is made following the conference of counsel pursuant to L.R. 7-
9 3 which took place on June 22, 2020.

10 Dated: June 29, 2020

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13 By: /s/ Mitchell J. Langberg
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14 EMILY L. DYER
15 Attorneys for Defendant
CITY OF BALDWIN PARK
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